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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,452	10/25/2001	Noritada Kuwayama	9694-000002	4241

27572 7590 12/02/2005

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EXAMINER

NORTON, JENNIFER L

ART UNIT PAPER NUMBER

2121

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/869,452	<b>Applicant(s)</b> KUWAYAMA, NORITADA	
	<b>Examiner</b> Jennifer L. Norton	<b>Art Unit</b> 2121	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a Final Office Action in response to the Amendment received on October 14, 2005. Claims 1-2 remain pending in this application.

#### ***Specification***

2. The disclosure is objected to because of the following informalities:  
The disclosure, pg. 10, line 6 includes the misspelling, "loarding" which should be "loading".

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No.: 5,883,864 (hereinafter Saliba).

As per claim 1, the Saliba reference discloses the invention substantially as claimed having a library system (Fig. 5) comprising a host computer (Fig. 5, element 12) a library unit (Fig. 5, element 100D) and a communication apparatus which connects said host computer and said library unit with each other for communications (Fig. 5, element "SCSI" interconnections and col. 3, lines 59-62), characterized in that: said

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library unit comprises: a plurality of recording medium storage sections (Fig. 5, elements 112); a plurality of recording medium reproduction sections which receive recording media which are stored in said recording medium storage sections and reproduce the recording media (Fig. 5, elements 148-10 through 148-15); a recording medium transportation section for transporting the recording media each between said recording medium storage sections and said recording medium reproduction sections (Fig. 5 elements 114A and 114B); and a controller for controlling said recording medium reproduction sections and said recording medium transportation section (Fig. 5, element 146D), said plurality of recording medium storage a plurality of storage stations are divided into a plurality of storage stations (Fig. 5, element a) elements 112 in top half of element 100D and b) elements 112 in bottom half of element 100D), said plurality of recording medium reproduction sections are divided into a plurality of reproduction stations (Fig. 5, a) elements 148-10 through 148-12 in top half of element 100D and b) elements 148-13 through 148-15 in bottom half of element 100D), each storage station and the corresponding reproduction station constitute a virtual unit (Fig. 5, upper half element 100D and b) bottom half of element 100D). Saliba states, "each physical drive 148 (Fig. 5) may be assigned a zone of adjacent cartridges as the primary servicing drive for those cartridges. The on-board microcontroller with each drive 148 then monitors the SCSI bus and intercepts a loader command addressing a cartridge slots within its zone of cartridges, and thereupon adapts its logical address to the logical destination address specified in the loader command (col. 9, lines 55-63). Hence, "virtual units" are employed within the library system. Saliba does not specifically show that the library unit includes one cabinet containing the various components but it would

have been obvious to one of ordinary skill in the art at the time the invention was made that the components could have been incorporated into a single cabinet as the use of a cabinet to provide protection of various types components therein a well-known structure in the electronic field. Further, Saliba does not specifically show said host computer includes applications which correspond to said virtual units to control said virtual units individually but it would have been obvious to one of ordinary skill in the art at the time the invention was made that the host computer could include various programs to control the virtual units individually as Saliba shows that the host provides commands to the storage unit (col. lines 59-62) and thus could control the individual virtual units thereby as a particular control circumstance warranted by way of applications (programs) contained within the host.

As per claim 2, it is rejected for reasons similar to those given above for claim 1 above. Saliba does not specifically show the utilization of a second library unit interconnected with the host and first library unit. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that a second library unit (similar to a first library unit per Fig. 5, element 100D) could be added to the overall structure of Fig. 5 in order to provide expanded and enhanced capabilities thereto. Each library unit includes (per Fig. 5): a recording medium storage section (Fig. 5, elements 112); a recording medium reproduction section which receives a recording medium which is stored in said recording medium storage section and reproduces the recording medium (Fig. 5, elements 148-10 through 148-15); a recording medium transportation section for transporting the recording medium between said recording

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medium storage section and said recording medium reproduction section (Fig. 5, elements 114A and 114B); and a controller for controlling said recording medium reproduction section and said recording medium transportation section (Fig. 5, element 146D). The multiple library unit structure does not specifically show that each library unit comprises one cabinet but it would have been obvious to one of ordinary skill in the art at the time the invention was made that the respective components could have been incorporated into cabinets as the use of a cabinet to provide protection of various types to components therein is a well-known structure in the electronic field. Further, each library unit (Fig. 5, element 100D) has at least a portion of said recording medium storage section and at least a corresponding portion of said recording medium reproduction section which constitute a virtual unit portion (Fig. 5, element 100D (top half) or b) element 100D (bottom half)). It would have been obvious to one of ordinary skill in the art at the time the invention was made that a virtual unit portion in said first library unit and a virtual unit portion in second library unit could constitute one virtual unit in order to provide enhanced and expanded capabilities to structure of Fig. 5. Further, Saliba does not specifically show said host computer could include applications which correspond to said virtual units to control said virtual units individually but it would have been obvious to one of ordinary skill in the art at the time the invention was made that the host computer could include various programs to control the virtual units individually as Saliba shows that the host provides commands to the storage unit (col. 3, lines 59-62) and thus could control the individual virtual units thereby as a particular circumstance warranted by way of applications contained within the host.

***Response to Arguments***

5. Applicant's arguments, see Remarks pg. 2, filed on October 14, 2005 with respect to the intended use of the claimed invention have been fully considered but they are not persuasive.

6. In response to applicant's argument that the art relied upon by the examiner is completely different from the applicants' invention with respect to intended use does not render the prior art as patentably distinguishable from claimed invention. A mere recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

7. Applicant's arguments, see Remarks pg. 2-3, filed on October 14, 2005 with respect to the rejection(s) of claims 1-2 under 35U.S.C 103(a) have been fully considered but they are not persuasive.

8. The Salida reference discloses:

(col. 9, lines 55-63), "... each physical drive 148 may be assigned a zone of adjacent cartridges as the primary servicing drive for those cartridges. ... each drive 148 then monitors the SCSI bus and interprets a loader command addressing a

cartridge ... and thereupon adapts its logical address to the logical destination address specified in the loader command."

Applicant's arguments regarding logical association is not consistent with the claim language nor does it appear to be consistent with the specification.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to library systems in general:

U.S. Patent No.: 6,839,824

U.S. Patent No.: 6,851,031

U.S. Patent Publication No.: 2005/0251620

U.S. Patent Publication No.: 2005/0033912

U.S. Patent Publication No.: 2005/0078406

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer L. Norton whose telephone number is 571-272-3694. The examiner can normally be reached on 8:00 a.m - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anthony Knight  
Supervisory Patent Examiner  
Art Unit 2121